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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF ALASKA AT ANCHORAGE  
10

11 JOAN WILSON and )  
12 PAUL FRANKE, M.D., )  
13 Plaintiffs, )  
14 vs. )  
15 ALASKA NATIVE TRIBAL )  
HEALTH CONSORTIUM; ANDREW )  
16 TEUBER; and ROALD HELGESEN, )  
17 Defendants. )  
18 \_\_\_\_\_ )

Case No. 3:16-cv-00195-JWS

19 **PLAINTIFFS' REVISED SECOND AMENDED COMPLAINT**  
20 **AND DEMAND FOR JURY TRIAL**  
21

22 Plaintiffs Joan Wilson and Dr. Paul Franke, allege and  
23 swear as follows:  
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**Jurisdiction and Venue**

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2 1. This Complaint asserts claims under state law. This  
3 Court has jurisdiction over this action pursuant to 28 U.S.C.  
4 1332.

5 2. Venue is proper in the District of Alaska under  
6 28 U.S.C. § 1391(b) and (c).  
7

**Parties**

8  
9 3. From September 1, 2014 until May 6, 2016, Joan Wilson  
10 worked as the Chief Ethics and Compliance Officer, Ethics and  
11 Compliance Services, within Alaska Native Tribal Health  
12 Consortium's ("ANTHC") office of the Chief Executive Officer.  
13 ANTHC, Roald Helgesen, and Andrew Teuber fired Ms. Wilson on  
14 May 6, 2016, in retaliation for complaining internally about  
15 various violations of ANTHC policy and the law. Ms. Wilson has  
16 intimate knowledge of the day-to-day operations and ANTHC's  
17 compliance with its own policies, and state and federal laws.  
18

19 4. From January 2013 until June 7, 2016, ANTHC employed  
20 Dr. Paul Franke as the Chief Medical Officer at the Alaska  
21 Native Medical Center ("ANMC"). Dr. Franke also worked as the  
22 interim ANMC hospital administrator from April 2013 through  
23 October 2013. As such, Dr. Franke has intimate knowledge of  
24 ANTHC and ANMC, including day-to-day operations of ANMC and the  
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1 billing practices. Dr. Franke's contract with ANTHC was  
2 terminated and not renewed as a result of his complaints about  
3 ANTHC's violations of internal policies, and state and federal  
4 law.

5 5. ANTHC is an Alaska nonprofit corporation in good  
6 standing in Alaska. ANTHC is also a Tribal Organization and  
7 inter-Tribal consortium of federally recognized Alaska Tribes  
8 and Tribal Organizations. ANTHC provides health care to  
9 approximately 160,000 Alaska Natives, American Indians, Indian  
10 Health Services beneficiaries and other individuals eligible to  
11 receive care and services at ANMC. ANTHC is also a Federal  
12 Qualified Health Center.  
13

14 6. Roald Helgesen is ANTHC's Chief Executive Officer and  
15 Hospital Administrator.  
16

17 7. Andrew Teuber is ANTHC's president, Mr. Helgesen's  
18 direct supervisor, and oversees executive functions undertaken  
19 by Mr. Helgesen.

20 **Background**

21 8. Medicare is a federally funded program, 42 U.S.C.  
22 § 1395j *et seq.*, which provides medical care based on age,  
23 disability, or affliction with disease. Medicare Part B governs  
24 reimbursement for medically necessary services furnished by  
25

1 health care providers such as doctors. 42 U.S.C. §§ 1395j-  
2 1395w-4. Medicare will not pay for treatments that are not  
3 administered for the appropriate reason by the appropriate  
4 treating provider.

5 9. Under Medicare, "no payment may be made under . . .  
6 Part B . . . for any expenses incurred for items or services -  
7 which . . . are not reasonable and necessary for the diagnosis  
8 or treatment of illness or injury or to improve the functioning  
9 of a malformed body member." 42 U.S.C. § 1395y(a)(1)(A).

10 10. Physicians who participate in the Medicare program are  
11 reimbursed at a rate outlined in a physician's fee schedule, in  
12 accordance with federal statutes and regulations.

13 11. ANTHC employs doctors and other health care providers  
14 that provide federally-funded health services, including  
15 services that are billed and paid under Medicare.

16 12. ANTHC employs doctors and other health care providers  
17 that provide federally-funded health services, including  
18 services that are billed and paid under Medicaid.

19 13. Medicaid is an entitlement program created by the  
20 United States Government, and is the primary public program for  
21 financing basic health and long-term care services for low-  
22 income Alaskans. Traditionally, in Alaska, Medicaid is funded  
23  
24  
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1 50% by the State of Alaska, and 50% by the United States  
2 Government. However, by and through the Indian Health Care  
3 Improvement Act, the Medicaid funds at issue in this case are  
4 100% paid by the Federal Medical Assistance Percentage for  
5 Medicaid Services. As such, the Medicaid funds at issue in this  
6 case are federal funds only. Medicare will not pay for  
7 treatments that are not administered for the appropriate reason  
8 by the appropriate treating provider.  
9

10 14. ANTHC receives significant revenue from Medicare and  
11 Medicaid.

12 15. The Center for Medicare and Medicaid Service ("CMS"),  
13 part of the Department of Health and Human Services, administers  
14 the Medicare program. CMS is authorized by Congress, per  
15 42 U.S.C. § 1395w-4(c)(5), to establish a uniform code for  
16 identifying physicians' services for use in completing Medicare  
17 and Medicaid claim forms.  
18

19 16. CMS utilizes a Healthcare Common Procedure Code  
20 System, which is divided into two principal systems referred to  
21 as Level I and Level II. Level I is a numeric coding system  
22 established by the American Medical Association called "Current  
23 Procedural Terminology," or "CPT" that is a common language for  
24 coding physician services and procedures for the purpose of  
25

1 seeking Government funds through reimbursement under Medicare  
2 and Medicaid.

3 17. To participate in Medicare and Medicaid, providers,  
4 and entities like ANTHC, must assure that their services are  
5 provided to Medicare and Medicaid patients economically and only  
6 when and to the extent they are medically necessary.  
7

8 18. This includes the general principle that medical  
9 advice and treatment must be motivated by the patient's best  
10 interest, not an entity's financial interest.

11 19. In fact, in order to bill the Government through  
12 Medicare, a health care provider must sign the CMS 1500 form,  
13 which includes a certification that the services were medically  
14 indicated and necessary for the health of the patient, and were  
15 personally furnished by the physician or the physician's  
16 employee, under the physician's direction. A similar  
17 certification is required on a Medicaid form.  
18

19 20. ANTHC employs physicians who work at ANMC. ANTHC  
20 provides the billing for the services performed by its employees  
21 and contractors.  
22

23 21. During Ms. Wilson's and Dr. Franke's tenure at ANTHC,  
24 they both observed the day-to-day operations of ANMC, as well as  
25 the business practices of ANTHC. Ms. Wilson and Dr. Franke also  
26

1 personally interacted on a daily basis with ANTHC leadership and  
2 decision-makers, including the ANTHC general counsel, Nacole  
3 Heslep, Mr. Helgesen, Mr. Teuber, and other ANTHC Board of  
4 Directors. The allegations herein are based on Ms. Wilson's and  
5 Dr. Franke's personal observations and documents in support of  
6 the same.  
7

8 **Facts Related to Billing**

9 22. ANTHC is in violation of the Alaska Tribal Billing  
10 Manual for Medicaid Services, which prevents ANMC from billing  
11 for pharmaceuticals dispensed incident to an outpatient visit.  
12 Specifically, ANMC bills through its Pharmacy Medicaid  
13 Enrollment Number for infusion drugs dispensed during an  
14 outpatient visit. In a form of double billing, ANTHC also  
15 includes the expense of these drugs in the cost reports used to  
16 calculate the Indian Health Services encounter rate for  
17 outpatient visits.  
18

19 23. In addition to billing for drugs included in an  
20 outpatient visit and calculating an encounter rate that also  
21 includes those costs, ANTHC and ANMC bills Medicare and Medicaid  
22 for oncology visits where care is provided solely by registered  
23 nurses, an ineligible provider under both programs. As Chief  
24 Ethics and Compliance Officer, Ms. Wilson was personally aware  
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1 of these practices and repeatedly attempted to reverse these  
2 practices. Ms. Wilson repeatedly brought these issues to the  
3 attention of ANTHC and Mr. Helgesen. Claiming the resolution  
4 was under the auspices of the General Counsel's office, which  
5 took years to resolve compliance billing concerns, ANTHC and  
6 Mr. Helgesen, and Mr. Teuber refused to alter their practices.  
7

8 24. The above-described practices by ANTHC have been  
9 ongoing for at least five years. Mr. Helgesen and Mr. Teuber  
10 were well-aware of the practices and approved delaying response  
11 to the same. During such time ANTHC continued to bill for  
12 nursing visits. As a result, ANTHC has received overpayments  
13 from the federal Government.  
14

15 25. During Dr Franke's first months at ANTHC, while  
16 working as the ANMC Director, Dr. Franke looked into ANMC's  
17 revenue cycle to verify revenues from federal and state payers.  
18

19 26. Dr. Franke's efforts included reviewing documents that  
20 support the services provided. In what he considers a "minor  
21 review," over a short period of time, Dr. Franke identified  
22 \$7 million in services that ANTHC inappropriately billed and for  
23 which funds were collected, as the services provided were not  
24 appropriately authenticated by providers. This is because ANTHC  
25 billed for services in advance of ensuring appropriate coding  
26



1 for those services. Essentially, ANTHC billing personnel billed  
2 for unsigned orders. ANTHC billed for this type of  
3 unauthenticated order from 2010-2013 in an amount that totaled  
4 millions of dollars. Dr. Franke discussed these issues with  
5 Mr. Helgesen and with the other ANTHC executives. Mr. Helgesen  
6 and Mr. Teuber were aware of these issues, including that  
7 Dr. Franke and Ms. Wilson were concerned that the billing  
8 practices violated the law.  
9

10 27. In addition to orders entered by non-privileged  
11 residents, Ms. Wilson also discovered that admission orders for  
12 newborns were entered by nurses, but were never approved by  
13 physicians or nurse midwives with admitting privileges. This  
14 practice began at the implementation of a new electronic medical  
15 record program and ended on August 28, 2014. Ms. Wilson worked  
16 to get ANTHC and ANMC to end the practice of billing for non-  
17 authenticated visits, but could not get ANTHC or ANMC to return  
18 the overpayments. Mr. Helgesen, Mr. Teuber and Ms. Heslep were  
19 aware of the unauthenticated visits but took no action to  
20 identify the issue with CMS or the Office of Inspector General  
21 of the Department of Health and Human Services. Mr. Helgesen,  
22 Mr. Teuber and others took no action to return funds received as  
23 a result of the improper billing practices.  
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1           28. These practices are still occurring today. For  
2 example, EKG services are billed without a signed order by a  
3 provider. As a result, ANTHC and ANMC have billed for and  
4 received payment for services that have been approved by medical  
5 assistants and other non-qualified personnel, but not a  
6 physician or an authorized provider, all in violation of federal  
7 laws and regulations.  
8

9                           **Facts Related to Double Billing**

10           29. ANMC provides reference laboratory and radiology  
11 services within the Alaska Tribal Health System. ANTHC and ANMC  
12 have failed to develop an appropriate financial protocol for  
13 billing. Mr. Helgesen and Mr. Teuber are well-aware of these  
14 issues, and have taken no steps to stop the improper billing  
15 practices.  
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17           30. Because there is not an appropriate billing protocol,  
18 ANTHC and ANMC have billed for reference laboratory services  
19 absent orders or appropriated signed requisitions in the place  
20 of orders. Moreover, ANTHC and ANMC and the referring tribal  
21 facility have billed Medicare and Medicaid for the same ordered  
22 services. This practice also takes place in radiology where  
23 ANTHC and ANMC and the referring tribal health facility are  
24 billing for the same reads and services. Mr. Helgesen and  
25

1 Mr. Teuber are aware of these issues and have taken no steps to  
2 stop the improper billing practices.

3 31. ANTHC and ANMC also double bill due to an electronic  
4 health record system problem, where ANTHC and ANMC generate a  
5 new encounter number when a patient moves from one level of care  
6 to the next. For example, when a patient in the Intensive Care  
7 Unit at ANMC is transferred to a lower level of care, the  
8 patient's orders are all reentered and rebilled. In this  
9 instance, orders are reinitiated and, if not properly included  
10 in the encounter rate, billed. ANTHC is well-aware of this  
11 problem because physicians at ANMC and ANTHC consistently  
12 complain about it. This practice is evidenced by the duplicate  
13 ventilator charges for the same patient on the same day or  
14 charges on days the service was not provided. Mr. Helgesen and  
15 Mr. Teuber are aware of these issues and have taken no steps to  
16 stop the improper billing practices.

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19 **Facts Related to Inappropriately Received Meaningful Use Funds**

20 32. An external consultant's analysis of the security of  
21 ANTHC's electronic medical health record system and supporting  
22 technology established that ANTHC must, on a timely basis,  
23 undertake 182 action items to meet the Meaningful Use  
24 requirements for an effective, integrated medical record for  
25

1 which ANTHC has already received Medicare and Medicaid incentive  
2 payments on behalf of the hospital and enrolled providers. ANTHC  
3 has not taken the necessary action to satisfy the Meaningful Use  
4 requirements. In fact, Mr. Helgesen and Mr. Teuber are both  
5 aware of these issues and have taken no steps to satisfy the  
6 Meaningful Use requirements.  
7

8 33. Meaningful Use requires that known deficiencies must be  
9 addressed within the attestation period subject to the receipt of  
10 funds. Ms. Wilson tried to make funding for correction of these  
11 deficiencies a priority. Ms. Wilson talked to Mr. Helgesen who  
12 reported her concerns to Mr. Teuber. Ms. Wilson was informed any  
13 extension of the electronic records systems to other tribal  
14 health entities would not be delayed to resolve these  
15 deficiencies. Ms. Wilson knows that is true because Mr. Helgesen  
16 told her Mr. Teuber directed Mr. Helgesen to ignore the  
17 significant security concerns.  
18

19 34. Even if funding was received, ANTHC security priorities  
20 were demoted in importance for expansion of the electronic health  
21 record to other tribal health systems, thereby creating  
22 vulnerability for the electronic health records of over 160,000  
23 Alaska Native and American Indian beneficiaries. Mr. Helgesen  
24 and Mr. Teuber were directly involved in this decision to fund  
25

1 the extension, but provide de minimus and ineffective funding to  
2 resolve the security concerns.

3 35. As a result of all of this, ANTHC improperly received  
4 Meaningful Use funds in an amount that exceeds \$20 million.

5 **Facts Related to Generally Improper Billing Practices**

6  
7 36. Mr. Helgesen has admitted to Ms. Wilson that he agrees  
8 with her assessment that while ANTHC has been committed to the  
9 expansion of services, it has failed to make the necessary  
10 operational changes and capital support to support the  
11 expansion. This includes not only the failure to develop  
12 appropriate procedures and technical fixes to stop inappropriate  
13 billing, but the failure to foresee and timely address the  
14 numerous billing issues its expansion has caused not only for  
15 ANTHC but for other tribal providers. For example, ANTHC and  
16 ANMC inappropriately bill for pharmaceuticals dispensed incident  
17 to outpatient visits, causing similar billing problems related  
18 to tribal facilities connected to the shared electronic health  
19 record system. Ms. Wilson attempted to stop these inappropriate  
20 billing practices, and urged ANTHC to return, report and repay  
21 overpayments that ANTHC wrongfully retained. Mr. Helgesen and  
22 Mr. Teuber were aware of her objections. In fact, Mr. Helgesen  
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1 and Mr. Teuber buried Ms. Wilson's draft compliance plan,  
2 designed to remedy billing concerns.

3 37. Prior to being terminated, Ms. Wilson investigated  
4 issues related to the use of the automatic dispensing of  
5 pharmaceutical drugs through a program called Pyxis MedStation.  
6 The program is not working properly in connection with ANMC's  
7 electronic health records system. For example, professionals  
8 often enter drug dispensing orders for three patients. Because  
9 Pyxis and ANMC's electronic health record system are not  
10 compatible, one patient is charged for all three drugs, while  
11 other patients are not charged at all. The system is also  
12 susceptible to fraud. Ms. Wilson informed Mr. Helgesen of her  
13 investigation, including the following issues (which have been  
14 identified and documented by ANTHC): (1) late charges are being  
15 posted to patient's accounts when the documentation in the  
16 patient's health records do not support the charges; (2) "dummy  
17 patients" are created to pull stock quickly; and (3) machines are  
18 not locked and alarms are disarmed, which allows staff to pull  
19 stock and supplies without recording orders.  
20  
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22 38. Ms. Wilson and Dr. Franke know that ANTHC and ANMC are  
23 inappropriately billing for services provided off campus under  
24 eligible billing numbers. This includes billing for services  
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1 provided at the ANTHC new outpatient surgery center, which is  
2 well outside the bounds of the ANMC campus. Ms. Wilson learned  
3 that ANTHC was likely (1) billing for physical therapy services  
4 that were not provided during inpatient care for critical care  
5 patients; (2) upcoding the facility fee provided for Emergency  
6 Room services by identifying a level of care that was not  
7 provided; (3) impermissibly billing anesthesia charges for in-  
8 room/out-room times rather than the start time and stop time of  
9 surgeries; (4) diverting funds that should be available for  
10 tribal health care by allowing first class travel and double and  
11 triple booking of flights for Andy Teuber, other ANTHC Board  
12 members and others personally selected for these fringe  
13 benefits, all in violation of ANTHC policy and Internal Revenue  
14 Service regulations; and (5) not returning overpayments for  
15 medical services ordered by either non-privileged or improperly  
16 supervised physician assistants. Mr. Helgesen and Mr. Teuber  
17 are aware of these improper billing practices, and have taken no  
18 action to stop them, or to notify the Government regarding the  
19 same.  
20  
21

22 **Facts Related to Employment Claims - Ms. Wilson**  
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24 39. ANTHC terminated Ms. Wilson on May 6, 2016. Ms. Wilson  
25 was wrongfully terminated because she voiced her concerns,  
26

1 including those outlined above, regarding ANTHC's failure to  
2 abide by federal and state laws, and regulations and internal  
3 policies. Two days before Ms. Wilson's termination, and at the  
4 request of Southcentral Foundation's Compliance Officer Fran  
5 Arsenaeu, Ms. Wilson hand-delivered a Medicaid billing concern  
6 regarding the Kodiak Area Native Association (for which  
7 Mr. Teuber serves as the Chief Executive Officer). Mr. Helgesen  
8 was upset about Ms. Wilson's decision to submit the billing  
9 concern.  
10

11 40. Ms. Wilson expressed concerns to Mr. Helgesen about  
12 ANTHC's failure to correct its unlawful billing practice and  
13 treatment of Meaningful Use funds and its unwillingness to  
14 correct several extreme security deficiencies with the hospital's  
15 electronic health record system. Ms. Wilson was ultimately  
16 terminated after notifying Ms. Heslep and Mr. Helgesen that she  
17 objected to being wrongfully excluded from a meeting called to  
18 create new Medicaid billing opportunities and to ANTHC's  
19 purported attempt by ANTHC to claim the attorney-client privilege  
20 precluded disclosure of a study that established serious concerns  
21 over ANTHC's ability to protect health information maintained by  
22 the organization and its tribal partners.  
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1           41. Ms. Wilson notified Mr. Helgesen and Ms. Heslep  
2 regarding her concerns on May 2, 2016 and May 3, 2016. ANTHC  
3 terminated Ms. Wilson three days later. ANTHC, through its  
4 leadership, also precluded Ms. Wilson from meeting with the  
5 Ethics and Compliance Committee of the Board, to which Ms. Wilson  
6 was to have dotted line authority. Ms. Wilson's attempts to  
7 contest her termination and seek reinstatement from the full  
8 Board, were blocked by Ms. Heslep (despite a direct conflict),  
9 and other members of ANTHC's Board of Directors who received  
10 additional Board assignments and compensation by staying in  
11 Mr. Teuber's good graces. In fact, Ms. Wilson's attempt to  
12 resolve her employment issues administratively were thwarted  
13 by Mr. Teuber, who, in concert with Mr. Helgesen, approved  
14 Ms. Wilson's termination. Mr. Teuber and Mr. Helgesen worked  
15 in concert on employment decisions. Mr. Helgesen sought  
16 Mr. Teuber's approval of any employment decision against ANTHC  
17 or ANMC executives, including Garland MacDonald, Farah Madhani-  
18 Lovely, M.D., Iris Grey, Manon Demientieff, Paul Franke, M.D.,  
19 Memry Dahl, Mary Ford, Tracy Runyan-Traylor, and Patty  
20 Paris, M.D.  
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23

24           42. Following Ms. Wilson's termination, Ms. Wilson  
25 attempted to obtain employment in private practice. For at least  
26

1 five months, Ms. Heslep and others made false and potentially  
2 defamatory remarks regarding Ms. Wilson's tenure at ANTHC,  
3 including by failing to provide a general reference unless  
4 Ms. Wilson signed a waiver and release, and by providing  
5 misleading information regarding Ms. Wilson's work at ANTHC.  
6

7 **Facts Related to Employment Claims - Dr. Franke**

8 43. Dr. Franke received notice in early June that his  
9 ANTHC contract would not be extended. This decision was made by  
10 ANTHC, acting by and through Mr. Helgesen and Mr. Teuber.  
11 Dr. Franke applied to work at ANTHC through a locum tenens  
12 contract, where Dr. Franke could work at ANMC on a short term or  
13 part-time basis. ANMC is significantly understaffed, and  
14 Dr. Franke is over qualified to work at ANMC. Despite this,  
15 Mr. Helgesen and Mr. Teuber precluded Dr. Franke from working at  
16 ANMC.  
17

18 **Count I - Retaliatory Discharge in**  
19 **Violation of False Claims Act**  
**(ANTHC, ROALD HELGESEN AND ANDREW TEUBER)**

20 Ms. Wilson and Dr. Franke incorporate paragraphs 1 through  
21 43 as if fully set forth herein and further allege as follows:  
22

23 44. By making good faith reports of improper acts and  
24 compliance issues, both Ms. Wilson and Dr. Franke engaged in  
25 activity protected by the False Claims Act.  
26

1           45. ANTHC, Mr. Helgesen, and Mr. Teuber were aware of  
2 Ms. Wilson's and Dr. Franke's complaints and had been for a  
3 significant period of time.

4           46. Ms. Wilson was wrongfully terminated in retaliation  
5 for engaging in that protected activity.

6           47. ANTHC, Mr. Helgesen, and Mr. Teuber failed to extend  
7 or continue Dr. Franke's contract for services in retaliation  
8 for engaging in protected activity.

9           48. ANTHC's, Mr. Helgesen's, and Mr. Teuber's wrongful  
10 retaliation violated the False Claims Act and caused Ms. Wilson  
11 and Dr. Franke to suffer damages in excess of \$100,000.00, the  
12 precise amount to be determined at trial.

13           49. Ms. Wilson and Dr. Franke are entitled to all relief  
14 afforded to them under the False Claims Act.

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17                   **Count II - Wrongful Termination**  
18                                   **(ANTHC)**

19           Ms. Wilson and Dr. Franke incorporate paragraphs 1 through  
20 49 as if fully set forth herein and further allege as follows:

21           50. The actions by ANTHC, Mr. Helgesen, and Mr. Teuber,  
22 including retaliating and terminating Ms. Wilson's employment  
23 and Dr. Franke's contract, constitute the tort of wrongful  
24

1 termination in violation of the public policy of the State of  
2 Alaska.

3 51. As a result of ANTHC's, Mr. Helgesen's and  
4 Mr. Teuber's wrongful termination in violation of public policy,  
5 Ms. Wilson and Dr. Franke suffered damages in excess of  
6 \$100,000.00, the precise amount to be determined at trial.  
7

8 **Count III - Breach of Covenant of Good Faith and Fair Dealing**  
9 **(ANTHC)**

10 Ms. Wilson and Dr. Franke incorporate paragraphs 1 through  
11 51 as if fully set forth herein and further allege as follows:

12 52. In Alaska, all employment relationships contain an  
13 implied covenant of good faith and fair dealing.

14 53. ANTHC, through Mr. Helgesen and Mr. Teuber breached  
15 the covenant of good faith and fair dealing when it terminated  
16 Ms. Wilson and Dr. Franke without cause and in retaliation after  
17 they reported violations of state and federal law and internal  
18 policy and exposed compliance issues.

19 54. As a result of ANTHC's, Mr. Helgesen's and  
20 Mr. Teuber's breach of the covenants of good faith and fair  
21 dealing, Ms. Wilson and Dr. Franke suffered damages in excess of  
22 \$100,000.00, the precise amount to be determined at trial.  
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**Count IV - Vicarious Liability**

Ms. Wilson and Dr. Franke incorporate paragraphs 1 through 54 as if fully set forth herein and further allege as follows:

55. ANTHC is vicariously liable for the acts and omissions of its employees, contractors and/or staff.

56. To the extent that any ANTHC and its contractors and/or staff violated state or federal law, ANTHC is vicariously liable.

**Jury Demand**

Ms. Wilson and Dr. Franke demand a jury trial.

**Prayer for Relief**

WHEREFORE, Ms. Wilson and Dr. Franke demand and pray that judgment be entered in their favor against ANTHC, Mr. Helgesen, and Mr. Teuber, as follows:

1. That Ms. Wilson and Dr. Franke be awarded all available damages, including actual, consequential, statutory, special and punitive damages;

2. That pre and post-judgment interest be awarded, along with reasonable attorney's fees, costs and expenses incurred by Ms. Wilson and Dr. Franke in bringing this case;

1           3.     That this Court award such other relief as it deems  
2 proper.

3           DATED this 11th day of September 2018, at Anchorage,  
4 Alaska.

5  
6                   DILLON & FINDLEY, P.C.  
                  Attorneys for Plaintiffs

7  
8                   By: s/Molly C. Brown  
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                  Email: molly@dillonfindley.com

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14           **CERTIFICATE OF SERVICE**

15           I hereby certify that on September 11,  
16 2018 a copy of the foregoing  
17 Plaintiffs' Revised Second Amended  
18 Complaint and Demand for Jury Trial was  
19 served electronically through the  
20 CM/ECF system on Nicholas C. Perros,  
21 Richard L. Pomeroy, and Richard D.  
22 Monkman.

23  
24           s/Molly C. Brown  
25  
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